

Kansas City District in which he has served as the Kansas City Brownfields Federal Showcase Program Director. He will leave a lasting legacy of tireless commitment to the betterment and preservation of our community and region.

Prior to joining the Corps in 1992, Mr. Bilardo began his career in public service with the National Aeronautics and Space Administration (NASA) where he spent ten years at four different NASA facilities throughout the nation. His assignments included serving as a systems engineer in the Space Station Program at NASA Headquarters, a Space Shuttle propulsion systems engineer at NASA Kennedy Space Center and Vandenberg Air Force Base in California, and as the manager of a branch of fifteen research scientists charged with developing closed loop environmental control systems for future lunar and Mars exploration missions at Ames Research Center.

Mr. Bilardo began his current position with the Kansas City Brownfields Federal Showcase in 1999 which consists of both the City of Kansas City, Missouri and the Unified Government of Wyandotte County/Kansas City, Kansas. He has been responsible for developing federal and state grant applications, providing technical assistance to a number of important regional initiatives, and managing several Brownfields redevelopment projects. His efforts have earned the program national acclaim as an award winning initiative that has significantly enhanced regional investment, economic growth, and environmental quality in the communities he serves. Under Mr. Bilardo's leadership the Kansas City Brownfields Federal Showcase has partnered with economic and industrial associations to implement an aggressive strategy to rebuild infrastructure, expand operations, and improve facilities in the region.

The crowning achievement of Mr. Bilardo's tenure has been in his diligent guidance and development of the Kansas City Riverfront Heritage Trail, for which he serves as the Bi-State Program Director. The Kansas City Riverfront Heritage Trail is an 18 mile long, bistate system of bicycle and pedestrian trails, pocket parks, restored ecosystems, and trailheads that has successfully leveraged municipal, state, federal, and private funding resources. Upon completion, the Riverfront Heritage Trail will connect critical riverfront activity centers to provide recreation, promote economic investment, wetland habitat restoration, and feature the rich historical and cultural highlights of our metropolitan area's past including Lewis and Clark's Corp of Discovery expedition and their two stops along the southwestern most bend of the Missouri River. Anyone who has been involved with the Riverfront Heritage Trail is cognizant of Mr. Bilardo's immeasurable contribution to this project and of the fact that it would not be the success it is today without his passion and tireless commitment.

Mr. Bilardo will leave a large void to be filled as he returns in August to NASA's Langley Research Center in Hampton, Virginia. He will be fondly remembered by his peers and co-workers as a tireless and dedicated leader. Mr. Bilardo's amazing barbeque skills will be sorely missed by everyone who had the pleasure to work with him. It is with deep gratitude and honor that I recognize Vince Bilardo for his remarkable service to the State of Missouri. His devotion is an example to us all.

Mr. Speaker, please join me in thanking Mr. Bilardo and wishing him and his wife Heidi and their two daughters, Kendall and Rachel continued success and happiness in the adventures that await them.

#### THE EMERGENCY DIRECTED RAIL SERVICE ACT

**HON. DON YOUNG**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. YOUNG of Alaska. Mr. Speaker, today I introduce the Emergency Directed Rail Service Act. This legislation is intended to prepare the nation for the possibility that Amtrak will follow through on its threat to shut down. This bill is part of my effort to make sure the country is as prepared as possible should that shutdown occur.

Members are no doubt aware that Amtrak is in an extremely desperate financial situation. Amtrak contends it needs \$200 million in additional cash or it will cease operations on or about July 1, 2002. Although the Administration is currently considering an Amtrak application to use the Railroad Rehabilitation and Infrastructure Financing (RRIF) loan and loan guarantee program, it is doubtful Amtrak qualifies under the statute, under the formal regulations that govern the program, or under the informal rules imposed by the Department of Transportation and the Office of Management and Budget.

Similarly, although I would support an appropriation under the right conditions to help Amtrak in the short-term while the Congress and the Administration address Amtrak for the long-term, it is unclear whether the appropriations process will be able to provide Amtrak any funds before July 1, 2002.

I am particularly concerned about the effect on freight movements in the Northeast and on commuter operations around the country and consequently on our national economy. An Amtrak shutdown could adversely affect the economy in the Northeast United States because considerable freight would not be able to get to its destination, especially plants where the Northeast Corridor is the only rail access. Moreover, commuters in the Northeast and around the country may not be able to get to work either because the commuter authority operates on Amtrak infrastructure or because the commuter authority uses Amtrak employees to operate or maintain its trains.

Accordingly, on Monday I wrote Linda Morgan, the Chairman of the Surface Transportation Board, and asked whether the Board had the power to direct freight and commuter service that would be adversely affected by an Amtrak shutdown.

Ms. Morgan responded yesterday that the STB was unclear whether it would have the power to direct freight and commuter service in the event of an Amtrak shutdown and that its emergency powers have "never been tested before in this context . . . and . . . could be challenged in court."

This country needs someone to have the power to address the fallout on freight railroads and commuters if Amtrak shuts down. The legislation I introduce today does just that. It makes it clear that the STB has the authority it needs to act in the event Amtrak ceases service.

In particular, the bill would give the STB the authority to order the continued maintenance, signaling, and dispatching of the Northeast Corridor.

It would give the STB the authority to use federal funds to compensate the entity that conducts these services and to indemnify it with respect to any increased liability exposure.

It would also authorize the STB to direct service and to provide interim financial assistance to commuter operations around the country affected by an Amtrak shutdown.

Further, current law requires that to the extent possible the Amtrak employees who already perform the work should do the work required by the directed service.

A final word of caution. I realize this bill addresses provisions of law relating to the STB and that there are interests out there who will want to attach other STB-related amendments to it. I call on them not to do so. This bill addresses a potential national transportation disaster and is limited solely to the STB's emergency directed service powers. In this case, we must put the national interest above all others.

#### INTRODUCTION OF THE ENHANCED PROTECTION OF OUR CULTURAL HERITAGE ACT OF 2002

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 26, 2002*

Mr. PALLONE. Mr. Speaker, I rise today to introduce the Enhanced Protection of Our Cultural Heritage (EPOCH), Act of 2002.

The legislation that I am introducing today will increase the maximum penalties for violations of three existing statutes that protect the cultural and archaeological history of the American people, most notably, American Indians. This bill also includes language that will make any attempt to sell Native American human remains a criminal act. The United States Sentencing Commission recently recommended the statutory changes contained in this bill and these changes complement the Commission's strengthening of Federal sentencing guidelines to ensure more stringent penalties for criminals who steal from public and tribal lands. I am pleased that my colleagues, Representatives HAYWORTH and Representative MARK UDALL have joined me in co-sponsoring this important bill.

Looting of cultural remains is not a new problem but it has developed into a professional business. Today, the casual hiker who lifts an arrowhead or a potshard has become less of a problem because of increased awareness about the impact of removing such items. Instead, we are witnessing carefully planned and prepared theft by well-equipped professional looters. Professional looters have devastated individual Indians and tribal communities. These communities can do little but sit by and watch as their culture is erased, site by site as professional looters steal anything that may have value on the black market—including ancestral remains. The lack of severity in the current laws does little to deter these individuals from looting over and over again.

The three statutes that this bill amends currently impose a 5-year maximum sentence,

and each includes a lower maximum for a first offense of the statute and/or a violation of the statute involving property of less than a specified value. This bill would create a 10-year maximum sentence for each statute, while eliminating the lower maximums under ARPA and NAGPRA for first offenses.

Such maximum sentences would be consistent with similar Federal statutes. For example, the 1994 law proscribing museum theft carries a 10-year maximum sentence, as do the general statutes punishing theft and the destruction of government property. Moreover, increasing the maximum sentences will give judges and the Sentencing Commission greater discretion to impose punishments appropriate to the amount of destruction a defendant has done.

Making these changes will enable the Sentencing Commission's recent sentencing guidelines to be fully implemented. The Commission increased sentencing guidelines for cultural heritage crimes, but the statutory maximum penalties contained in current law will prevent judges from issuing sentences in the upper range of the new guidelines. Those new guidelines have the enthusiastic support of the Justice and Interior Departments, the Society

for American Archeology, the National Trust for Historic Preservation, numerous Native American nations, and many others. Congress must take the steps necessary to see that the guidelines take full effect.

The professional looters who pillage the rich cultural heritage of this Nation and its people are committing serious crimes. The artifacts stolen from both tribal and public lands are the legacy of all Americans and should not be robbed and sold for personal gain. Passage of this legislation would demonstrate Congress' commitment to preserving our Nation's history and our cultural heritage. I urge my colleagues to support this much-needed legislation.

I would ask that the text of this legislation be printed in the RECORD.

H.R.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Enhanced Protection of Our Cultural Heritage Act".

**SEC. 2. ENHANCED PENALTIES FOR CULTURAL HERITAGE CRIMES.**

(a) ENHANCED PENALTY FOR ILLEGAL TRAF-  
FICKING IN ARCHAEOLOGICAL RESOURCES.—  
Section 6(d) of the Archaeological Resources

Protection Act of 1979 (16 U.S.C. 470ee(d)) is amended by striking "not more than \$10,000" and all that follows through the end of the subsection, and inserting "not more than \$100,000, imprisoned not more than 10 years, or both."

(b) ENHANCED PENALTY FOR EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—Section 1163 of title 18, United States Code, is amended by striking "five years" and inserting "10 years".

(c) ENHANCED PENALTY FOR ILLEGAL TRAF-  
FICKING IN NATIVE AMERICAN HUMAN REMAINS  
AND CULTURAL ITEMS.—Section 1170 of title  
18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or attempts to sell, purchase, use for profit, or transport for sale or profit," before "human remains"; and

(B) by striking "or imprisoned not more than 12 months, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, or imprisoned not more than 5 years" and inserting "imprisoned not more than 10 years" and

(2) in subsection (b), by striking "imprisoned not more than one year, or both, and the case of a second or subsequent violation, be fined in accordance with this title, imprisoned not more than 5 years" and inserting "imprisoned not more than 10 years."